

REMARKS

Applicants have carefully reviewed the Office Action mailed September 30, 2008 and offer the following amendments and remarks.

Claims 1-25 are currently pending. Applicants have amended claims 1, 2, 5, 7, 11, 14, 17, 18, 20-22, 24, and 25 to correct antecedent basis. Applicants have also amended multiple paragraphs in the Specification to correct typographical errors.

Applicants submit a replacement sheet for Figure 4 to correct a typographical error.

Claims 1-25 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully traverse. The Patent Office has asserted that the claim limitation "directing collection of the data input by the portable image capture device" is vague and indefinite because it is not clear whether the limitation should be interpreted as " 'prompting the user to start the image capture', captured image data is directed to a storage medium for storage, or, a processor sends a signal to start capturing the image data" (Office Action mailed September 30, 2008, p. 2). Applicants submit that the referenced claim limitation covers any process by which the portable image capture device can be directed to collect the data input, whether that be by human hand, by electronic signal, or any other suitable process. Applicants submit that the claim limitation is sufficiently clear for purposes of 35 U.S.C § 112 and that, as the Patent Office appears to imply, Applicants need not select one particular method of directing the collection of data input by the portable image capture device in order to comply with 35 U.S.C § 112. Thus, Applicants urge that the referenced claim limitation is not vague and indefinite, and respectfully request that the rejection be withdrawn.

Claims 1-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0138898 A1 to Elbrader (hereinafter "Elbrader") in view of U.S. Patent Application Publication No. 2002/0172498 A1 to Esenyan et al. (hereinafter "Esenyan"). Applicants respectfully traverse.

Applicants' claimed invention, as recited in claim 1, requires the use of a template having a predetermined point at which data input, including captured image data, is expected. Claim 1 further requires the collection of the data input, and "associating the collected data input with the template, thereby generating an output document." As indicated in the Specification of the present application, a template of Applicant's invention can comprise, for example, an insurance

claim form template.

Elbrader discloses the automated initiation of a recording device, such as a video camera, at a desired point in a deal session to record a transaction associated with the deal session (Elbrader, paras. 54-64). Elbrader discloses that the recorded transactions can be stored on a storage device and indexed by a database (*Id.* at paras. 41-46). Elbrader fails to teach or suggest the use of a template, the association of data input with the template, or the generation of an output document from the association of the data input with the template, as required by Applicants' claimed invention. Elbrader relates to recording aspects of a transaction, not generation of a document based on a template and captured data input, as required by Applicants' claimed invention.

Esenyan discloses generating a recording of a medical procedure and establishing an index of the recording that simplifies accessing relevant portions of the recording. Particularly relevant points of the recording can be denoted by pressing a button that establishes a time-mark in the video footage (Esenyan, para. 82). An index in a database can be formed based on these time-mark locations (*Id.* at paras. 159-163). Relevant information, such as a medical finding and "the location of the finding" can also be maintained as part of the index (*Id.* at para. 96). Nowhere does Esanyan teach or suggest the use of a template, the association of data input with the template, or the generation of an output document from the association of the data input with the template, as required by Applicants' claimed invention. The problem addressed by Esanyan is unrelated to the generation of a document from a template and captured data, as required by Applicants' claimed invention.

Although not cited by the Patent Office in its statement of rejection, the Patent Office also suggests that *IAS Introduces SmartEye Video-on-CD-ROM Technology to Record F&I Transactions*, F&I Magazine, October 11, 2001 (hereinafter "IAS") "teaches system and method for digitally recording transaction in a workflow of purchases" (Office Action mailed September 30, 2008, p. 3). IAS is a product brochure which describes a product that, not dissimilar from the system disclosed in Elbrader, allows a finance and insurance ("F&I") transaction incident to the purchase of a vehicle to be recorded. IAS also fails to teach or suggest the use of a template, the association of data input with the template, or the generation of an output document from the association of the data input with the template, as required by Applicants' claimed invention.

Applicants' claims 14 and 22 have similar limitations as those discussed with respect to claim 1. For example, Applicants' claim 14 requires "a template having at least one predetermined point at which data input, including captured image data, is expected" and "the portable image capture device directing collection of the data input and integrating the collected data input into the workflow process by automatically associating the collected data input with the template, thereby generating an output document." Applicants' claim 22 requires "a template having at least one predetermined point at which the at least captured image data, is expected; and integrating the collected data input into the workflow process by automatically associating the collected data input with the template, thereby generating an output document."

In the Patent Office's rejection of claims 1-25, the Patent Office has failed to point out how any of the cited references in any way relate to the use of a template, the association of data input with the template, or the generation of an output document from the association of the data input with the template, each as specifically required by Applicants' claimed invention. For the foregoing reasons, Applicants submit that Elbrader, Esenyan, and IAS, either alone or in combination, fail to render Applicants' claimed invention obvious as recited in claims 1, 14, and 22.

Claims 2-13, 15-21, and 23-25 are dependent claims ultimately based upon claims 1, 14, and 22, respectively. As such, claims 2-13, 15-21, and 23-25 are allowable for at least the same reasons set forth above with respect to claims 1, 14, and 22. However, Applicants reserve the right to further address the rejection of claims 2-13, 15-21, and 23-25 in the future, if needed.

The present application is now in a condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact Applicants' representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

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By:

A handwritten signature in black ink, appearing to read "E. Jensen".

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